

MindFreedom International

454 Willamette, Suite 216, PO Box 11284
Eugene, OR 97440-3484 USA

Ph: (541) 345-9106 Fax: (541) 345-3737
Email: office@mindfreedom.org



4 January 2007

From: Ted Chabasinski
Attorney for Judi Chamberlin and MindFreedom International
2923 Florence Street, Suite 301
Berkeley, California 94705
California State Bar #132871
phone: (510) 703-6372 or (510) 843-6372
e-mail: tedchabasinski@gmail.com

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IN CLERKS OF
U.S. DISTRICT COURT
JAN 9 2007

To: Honorable Jack Weinstein, Senior Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201
fax: (718) 613-2527

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Re: Injunction issued 12/29/06 regarding Zyprexa documents

Dear Judge Weinstein:

As you know, I appeared by telephone at yesterday's hearing regarding the Zyprexa documents that are under protective order, representing MindFreedom International and Judi Chamberlin. You indicated you would extend the TRO currently in effect until January 16, in order to give me sufficient time to present arguments.

At no time was there any discussion of changing the terms of the injunction. Nor did you indicate in any way that you intended to change the terms of the injunction.

This morning I received a fax of the continuing TRO. It has added provisions which in my view are a serious violation of my clients' First Amendment rights. One could read these provisions to forbid even the discussion of the issue of the suppressed documents. Please refer to the last sentence of the first page of the new extended TRO.

Due process would require that there should have been notice and an opportunity to be heard about this. I object to any ex parte communication the Lilly lawyers may have had with you. This is not a change that should have been granted ex parte.

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Win Human Rights in Mental Health

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To Hon. Jack Weinstein • From Ted Chabasinski/MFI • 1/4/07 • Page 2

As you know, my position is that the documents under protective order are not trade secrets, but criminal evidence, since they show nothing but the attempts of the defendants to hide the lethal, toxic effects of Zyprexa.

I think that any order that in essence prohibits the full discussion of this issue is a great disservice to the public interest.

You have been presiding for some time over a huge consolidated lawsuit about the effects of Zyprexa. By this time, I am sure you have heard enormous amounts of evidence about the culpability of Eli Lilly and the injuries and deaths caused by their deliberate suppression of information about the toxicity of this drug. For the courts to protect behavior like this is a great injustice.

Just as Mr. Gottstein is facing now, my clients, if they were to violate the terms of this order, which I consider unconstitutional, would be looking at the possibility of being jailed for contempt of court.

I ask you to consider this: Whistleblowers circulate documents which show incontrovertibly that the executives of a corporation have, with careful deliberation, engaged in a course of action that they know will lead, and does lead, to the death and injury of thousands of people, that is, they have committed heinous crimes.

The whistleblowers are sent to jail for violating an order which protects the criminals.

The criminals go completely unpunished, with the protection of the courts, and are allowed to continue to profit from their wrongdoing.

What kind of legal system is it that can produce such an outcome? How can such an outcome be defended by anyone who cares about the courts being a vehicle for social justice?

I urge you to reconsider your order forbidding MindFreedom from exercising its First Amendment rights.

Sincerely,

Ted Chabasinski per David Oaks

Ted Chabasinski
Attorney for Judi Chamberlin and MindFreedom International